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LETTER DATED 20 APRIL 1995 FROM THE PERMANENT REPRESENTATIVES OF THE RUSSIAN FEDERATION AND SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

At the request of the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe, we have the honour to transmit their letter of 20 April 1995 addressed to you (see annex).

Please have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) P. OSVALD
Permanent Representative of
Sweden to the United Nations

(Signed) S. LAVROV
Permanent Representative of
the Russian Federation to
the United Nations

Annex

Letter dated 20 April 1995 from the Co-Chairmen of the Minsk Conference of the Organization for Security and Cooperation in Europe addressed to the President of the Security Council

Pursuant to paragraph 8 of Security Council resolution 884 (1993), after consultations with the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and with reference to our letter of 21 March 1995, we wish to provide the Security Council with additional information on the efforts made in the framework of the OSCE Minsk process for the peaceful settlement of the Nagorny Karabakh conflict.

With the decision of 6 December 1994 by the Heads of State or Government at the OSCE Budapest Summit meeting on intensification of OSCE action in relation to the Nagorny Karabakh conflict, the process towards a lasting solution of this tragic conflict entered a new stage. The Summit declared the political will of OSCE States to provide, with the adoption of an appropriate resolution by the Security Council, a multinational OSCE peace-keeping force following agreement among the parties for a cessation of the armed conflict.

The cease-fire, in effect since 12 May 1994, is still largely being respected, though several incidents have lately occurred both on the border between Armenia and Azerbaijan and along the line of contact. The cease-fire has been reconfirmed on a number of occasions and the parties have repeatedly committed themselves to respect it until a political agreement on the cessation of the armed conflict has been attained. Mechanisms to further strengthen the cease-fire through direct contacts and other measures to avoid escalation of incidents were agreed on 6 February 1995. These mechanisms are being implemented by the parties but certain specific arrangements remain to be established.

The continued observance of the cease-fire and the repeatedly reaffirmed intention of the parties to abide by it are encouraging. However, the present situation of "neither war nor peace" entails the risk of an unsatisfactory, and even dangerous, freezing of the situation. A continued lack of progress in the political process may indeed endanger the cease-fire.

Following the Budapest decision and the appointment by the OSCE Chairman-in-Office of the Co-Chairmen of the Minsk Conference, an agreed basis for further negotiations was elaborated and presented to the parties to the conflict. The agreed basis was thereafter discussed at a round of negotiations between the parties held in Moscow in February. A new round of negotiations planned for 20 to 22 March 1995 in Stockholm was postponed owing to preconditions set by one party on the question of the status of the parties in the negotiation process, including in the Minsk Conference. As a result of efforts by the Co-Chairmen, supported by bilateral contacts and the OSCE Chairman-in-Office, the parties have subsequently stated their readiness to resume negotiations without preconditions.

The parties must without further delay enter into such negotiations in good faith, and clearly demonstrate a willingness to make mutual concessions on essential substantive issues and show a readiness to put aside questions of procedure. It should be recalled that the Security Council, in its resolution 884 (1993) of 12 November 1993, urged the parties to seek a negotiated settlement within the context of the OSCE Minsk process.

A substantial number of OSCE participating States have earlier stated their readiness in principle to contribute to an OSCE multinational peace-keeping force. The High-level Planning Group established by the Budapest decision is now actively elaborating recommendations for the OSCE Chairman-in-Office on planning and preparations for such a force. The Minsk Group is cooperating with the Chairman-in-Office in the work on the mandate and terms of reference of the peace-keeping force.

There is, however, presently a risk that the willingness of OSCE States to contribute to a peace-keeping force may be adversely affected by the lack of concrete progress in the negotiation process.

It is of great importance to the peace process that the planning and preparatory work be concluded and that the peace-keeping operation be made credible, assuring the parties and the contributing States of an effective and secure implementation of the agreement and of a close linkage to the political process towards a comprehensive settlement.

Continuing political support from the Security Council for the possible deployment of an OSCE peace-keeping force as well as continued United Nations technical advice and expertise would be required if such an operation is to be carried out. We are grateful for the assistance the United Nations Secretariat has afforded the High-level Planning Group in its work.

We are aware that this conflict has deep roots and that the suffering and bloodshed have caused profound mistrust. This mistrust will not be quickly overcome and it will take time to rebuild confidence. With the aim of achieving a political agreement, we continue to pursue intermediary steps, in particular the implementation of agreed confidence-building measures as well as measures to strengthen the cease-fire.

The Co-Chairmen have sought to find solutions to the problem of civilian detainees and prisoners of war. The release of approximately 200 such detainees has been carried out, principally through the assistance of the International Committee of the Red Cross (ICRC). However, according to the ICRC, over 200 persons remain detained by the parties under sometimes very harsh conditions. The preliminary agreement which was reached on 11 February 1995 for the immediate release of all wounded, sick and persons over 50 years of age has been implemented by only one party. Earlier commitments to release all women and minors under 16 years of age also remain to be implemented.

The Co-Chairmen, together with parliaments of States members of the Minsk group and non-governmental organizations in the region, have strongly urged the parties to live up to these commitments. The parties have also been requested

to release all prisoners and detainees on an "all-for-all" basis before the anniversary of the cease-fire on 12 May.

Owing to the reluctance of one of the parties, the understanding within the Minsk Group of 1 December 1994 to establish an OSCE presence in the region through a personal representative of the Chairman-in-Office and field representatives has not yet been implemented.

A seminar on legal aspects of the conflict is envisaged to take place later this year. Such a seminar would contribute not only to exploring ways to settle the conflict but also to promoting confidence between the parties. The seminar will be sponsored by the Co-Chairmen and the OSCE Office for Democratic Institutions and Human Rights.

Though the guns of the conflicting parties are now silent, more than 1 million refugees and displaced persons continue to suffer. A renewed, consolidated United Nations inter-agency appeal for humanitarian assistance to the Caucasus has recently been launched. As Co-Chairmen, we are appealing to all States to respond in a generous manner to these urgent humanitarian needs. The provision of assistance to the refugees and displaced persons not only constitutes a humanitarian act, but also may dispel mistrust and promote the process towards peace.

As from 22 April 1995, Under Secretary of State Heikki Talvitie of Finland will replace Ambassador Jan Eliasson as Co-Chairman of the OSCE Minsk Conference. Sweden has declared its intention to continue to participate in the efforts to achieve a political solution to this conflict.

(Signed) Jan ELIASSON
Co-Chairman of the
OSCE Minsk Conference

(Signed) Valentin LOZINSKY
Co-Chairman of the
OSCE Minsk Conference